

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Anthony LaFauci

v.

Case No. 08-cv-77-PB

NH Adult Parole Board, et al.

O R D E R

The defendant has not made a substantial showing of the denial of a constitutional right. To the extent that he seeks a certificate of appealability, his motion is denied. To the extent that he intends his motion to seek permission to file a new petition, I lack the authority to act on the motion. Thus, I construe the motion as a motion for certificate of appealability and I deny the motion without prejudice to petitioner's right to petition the Court of Appeals for authority to file a second habeas corpus petition.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

September 29, 2009

cc: Anthony LaFauci, pro se
Elizabeth Woodcock, Esq.